IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10307 of 1999

Dated: 25th July, 2006

Between:

Kasukurthi Sambasiva Rao & others.

.. Petitioners

and

The Superintending Engineer (Irrigation),
Nagarjunasagar Left Canal,
Nuzividu, Krishna district & another.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

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ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in entering the petitioner's land for the purpose of digging the canal across their lands is arbitrary, illegal and

consequently to direct the first respondent not to disturb the possession of the petitioners without following due process of law.

It is the case of the petitioners that they are the owners and cultivators of lands in Survey No.41/1 of Veeravalli, Sy.No.385/2, 385/3, 386/1 of Veleru village, Sy.No.104/2, 108/2, 161/1, 161/2A of Rangannagudem village, Sy.No.164/3 of Veeravalli village of Bapulapadu mandal, Krishna district. They have raised sugar cane crop in their respective lands as on the date of filing of the writ petition. While so, on 14.5.1999, the second respondent who is said to be a Contractor engaged by the first respondent came to the petitioner's land and started digging the canal across the lands of the petitioners. On enquiries, it is revealed that in the year 1984, the authorities of first respondent have made acquisition of small extents of petitioners land for the purpose of digging the canal, but they refused to show any documents. The grievance of the petitioners is that they have been in continuous possession of the lands for so many years and even if any land acquisition proceedings are initiated in the year 1984, they becomes void in view of the fact that no compensation was paid to them within two years as contemplated under the Act and there cannot be any urgency after lapse of 15 years and the respondents cannot be allowed to destroy the standing sugar cane crop.

A detailed counter affidavit has been filed by respondent No.1, wherein it was asserted that the revenue authorities have acquired various extents of lands under different awards by paying compensation to the concerned landowners. After completion of the acquisition of lands, only the work of Narasannapalem Minor was entrusted to Sri N.Venkateswara Rao, Contractor and the Contractor has started the work on 4.5.1999 and excavated part of the canal. Moreover, the excavation of canal was already commenced on

3.5.1999 in the land acquired by the department, but not in the petitioners lands. The Award No.7/85-86 dated 7.6.1985 deals with the land in question.

In view of the above, no adjudication can be made in this writ petition. The petitioners are at liberty to work out their remedies as available under law.

The writ petition is accordingly closed. No order as to costs.

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C.V.RAMULU,
J

Date: 25.7.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

6.7.2006